

**Executive Summary – Enforcement Matter – Case No. 43760**

**City of Ranger**

**RN103118923**

**Docket No. 2012-0573-MWD-E**

**Order Type:**

1660 Agreed Order

**Findings Order Justification:**

N/A

**Media:**

MWD

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Ranger WWTP, located on the northeast corner of Garrett Street and Lackland Avenue, approximately 2,500 feet north-northwest of the intersection of United States Highway 80 and Farm-to-Market Road 571 in Ranger, Eastland County

**Type of Operation:**

Wastewater treatment plant

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** July 27, 2012

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$9,970

**Amount Deferred for Expedited Settlement:** \$1,994

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$7,976

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - Average

Site/RN - Average

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002 and September 2011

**Executive Summary – Enforcement Matter – Case No. 43760**

**City of Ranger**

**RN103118923**

**Docket No. 2012-0573-MWD-E**

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** February 16, 2012

**Date(s) of NOE(s):** February 28, 2012

***Violation Information***

Failed to comply with permitted effluent limits for chlorine residual and total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to, within 90 days, submit written certification demonstrating compliance with permitted effluent limits.

***Litigation Information***

**Date Petition(s) Filed:** N/A

**Date Answer(s) Filed:** N/A

**SOAH Referral Date:** N/A

**Hearing Date(s):** N/A

**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4930; Debra Barber, Enforcement Division, MC 219, (512) 239-0412.

**TCEQ SEP Coordinator:** N/A

**Respondent:** The Honorable Troy Emery, Mayor Pro-Tempore, City of Ranger, 400 West Main Street, Ranger, Texas 76470

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Mar-2012	<b>Screening</b>	8-Mar-2012	<b>EPA Due</b>	
	<b>PCW</b>	8-Mar-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Ranger		
<b>Reg. Ent. Ref. No.</b>	RN103118923		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43760	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0573-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steve Villatoro
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$2,000
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## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

<b>Compliance History</b>	167.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$3,340
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Notes: Enhancement for 25 months of self-reported effluent violations, three NOV's with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability language.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$878  
Approx. Cost of Compliance \$10,000  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,340
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	-4.1%	<b>Adjustment</b>	-\$220
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount and to prevent the double enhancement of self-reported effluent violations.

<b>Final Penalty Amount</b>	\$5,120
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,120
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$1,024
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$4,096
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Screening Date 8-Mar-2012

Docket No. 2012-0573-MWD-E

PCW

Respondent City of Ranger

Policy Revision 2 (September 2002)

Case ID No. 43760

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	28	140%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 25 months of self-reported effluent violations, three NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability language.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 167%

Screening Date 8-Mar-2012  
Respondent City of Ranger  
Case ID No. 43760  
Reg. Ent. Reference No. RN103118923  
Media [Statute] Water Quality  
Enf. Coordinator Steve Villatoro  
Violation Number 1

Docket No. 2012-0573-MWD-E

PCW

Policy Revision 2 (September 2002)  
PCW Revision October 30, 2008

Rule Cite(s) Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2

Violation Description Failed to comply with permitted effluent limits, as documented during a record review conducted on February 16, 2012, and shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification			
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2 123 Number of violation days

mark only one with an x	daily	
	weekly	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended for the quarters containing the months of March 2011, May 2011, June 2011, and July 2011.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$878

Violation Final Penalty Total \$5,120

This violation Final Assessed Penalty (adjusted for limits) \$5,120

# Economic Benefit Worksheet

Respondent City of Ranger  
Case ID No. 43760  
Reg. Ent. Reference No. RN103118923  
Media Water Quality  
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10,000	31-Mar-2011	31-Dec-2012	1.76	\$878	n/a	\$878

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,000

TOTAL

\$878



# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Mar-2012	<b>Screening</b>	8-Mar-2012	<b>EPA Due</b>	
	<b>PCW</b>	8-Mar-2012				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	City of Ranger		
<b>Reg. Ent. Ref. No.</b>	RN103118923		
<b>Facility/Site Region</b>	3-Abilene	<b>Major/Minor Source</b>	Minor

## CASE INFORMATION

<b>Enf./Case ID No.</b>	43760	<b>No. of Violations</b>	1
<b>Docket No.</b>	2012-0573-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steve Villatoro
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>		\$0	<b>Maximum</b>
			\$25,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1** **\$2,500**

## ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

**Compliance History** **100.0%** Enhancement **Subtotals 2, 3, & 7** **\$2,500**

Notes: Enhancement for 25 months of self-reported effluent violations, three NOV's with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability language.

**Culpability** **No** **0.0%** Enhancement **Subtotal 4** **\$0**

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5** **\$0**

**Economic Benefit** **0.0%** Enhancement\* **Subtotal 6** **\$0**

Total EB Amounts \$0  
Approx. Cost of Compliance \$0  
\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** **Final Subtotal** **\$5,000**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **-3.0%** **Adjustment** **-\$150**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction in penalty to prevent the double enhancement of self-reported effluent violations.

**Final Penalty Amount** **\$4,850**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty** **\$4,850**

**DEFERRAL** **20.0%** Reduction **Adjustment** **-\$970**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** **\$3,880**

Screening Date 8-Mar-2012

Docket No. 2012-0573-MWD-E

PCW

Respondent City of Ranger

Policy Revision 3 (September 2011)

Case ID No. 43760

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN103118923

Media [Statute] Water Quality

Enf. Coordinator Steve Villatoro

## Compliance History Worksheet

## &gt;&gt; Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	28	140%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 167%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

## Compliance History Notes

Enhancement for 25 months of self-reported effluent violations, three NOVs with same/similar violations, one NOV with dissimilar violations, and one order without denial of liability language.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, &amp; 7) 167%

## &gt;&gt; Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

**Screening Date** 8-Mar-2012  
**Respondent** City of Ranger  
**Case ID No.** 43760  
**Reg. Ent. Reference No.** RN103118923  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Steve Villatoro  
**Violation Number** 1

**Docket No.** 2012-0573-MWD-E

**PCW**

Policy Revision 3 (September 2011)  
PCW Revision August 3, 2011

**Rule Cite(s)** Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements No. 2

**Violation Description** Failed to comply with permitted effluent limits, as documented during a record review conducted on February 16, 2012, and shown in the attached table.

**Base Penalty** \$25,000

**>> Environmental, Property and Human Health Matrix**

**OR**

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

**Percent** 5.0%

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor

**Percent** 0.0%

**Matrix Notes**

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

**Adjustment** \$23,750

\$1,250

**Violation Events**

**Number of Violation Events** 2

61 **Number of violation days**

mark only one  
with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$2,500

Two quarterly events are recommended for the quarters containing the months of November 2011 and December 2011.

**Good Faith Efforts to Comply**

**0.0%** Reduction

\$0

	Before NOV		NOV to EDPRP/Settlement Offer
	Extraordinary	Ordinary	
N/A	x		(mark with x)

**Notes**

The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal** \$2,500

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$0

**Violation Final Penalty Total** \$4,850

**This violation Final Assessed Penalty (adjusted for limits)** \$4,850

# Economic Benefit Worksheet

**Respondent** City of Ranger  
**Case ID No.** 43760  
**Reg. Ent. Reference No.** RN103118923  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

See economic benefit on the accompanying PCW.

## Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

<b>EFFLUENT VIOLATION TABLE</b>			
<b>City of Ranger</b>			
<b>TPDES Permit No. WQ0011557003</b>			
<b>Docket No. 2012-0573-MWD-E</b>			
<b>Months</b>	<b>Chlorine Residual</b>	<b>Chlorine Residual</b>	<b>Total Suspended Solids Daily Average Concentration</b>
	<b>Minimum Limit = 1.0 mg/L</b>	<b>Maximum Limit = 4.0 mg/L</b>	<b>Limit = 15 mg/L</b>
<b>March 2011</b>	<b>c</b>	<b>c</b>	<b>17.6</b>
<b>May 2011</b>	<b>0.95</b>	<b>c</b>	<b>c</b>
<b>June 2011</b>	<b>0.44</b>	<b>c</b>	<b>c</b>
<b>July 2011</b>	<b>0.31</b>	<b>c</b>	<b>c</b>
<b>November 2011</b>	<b>c</b>	<b>4.87</b>	<b>c</b>
<b>December 2011</b>	<b>c</b>	<b>4.89</b>	<b>c</b>

mg/L = milligrams per liter

c = compliant



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600636617 City of Ranger Classification: AVERAGE Rating: 3.05

Regulated Entity: RN103118923 CITY OF RANGER WWTP Classification: AVERAGE Site Rating: 3.45

ID Number(s): WASTEWATER PERMIT WQ0011557003  
WASTEWATER EPA ID TX0118702  
WASTEWATER LICENSING LICENSE WQ0011557003

Location: LOCATED AT THE NORTHEAST CORNER OF GARRETT STREET AND LACKLAND AVENUE IN THE CITY OF RANGER, APPROXIMATELY 2500 FEET NORTH NORTHWEST OF THE INTERSECTION OF US HIGHWAY 80 AND FARM TO MARKET ROAD 571 IN EASTLAND COUNTY, TEXAS

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: March 08, 2012

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 08, 2007 to March 08, 2012

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Steve Villatoro Phone: (512) 239-4930

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? YES
2. Has there been a (known) change in ownership/operator of the site during the compliance period? NO
3. If YES, who is the current owner/operator? N/A
4. If YES, who was/were the prior owner(s)/operator(s)? N/A
5. If YES, when did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2011 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.
- Effective Date: 06/26/2010 ADMINORDER 2009-1843-MWD-E  
Classification: Moderate  
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)
- Rqmt Prov: Effluent Limits PERMIT  
Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.
- Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(17)  
Rqmt Prov: Effluent Reporting Requirements PERMIT  
Description: Failure to submit effluent monitoring results at the intervals specified in the permit as documented by a TCEQ record review.
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

2	04/16/2007	(589092)
3	05/21/2007	(589093)
4	07/31/2007	(605716)
5	08/20/2007	(605717)
6	08/24/2007	(605718)
7	10/01/2007	(631282)
8	10/22/2007	(631283)
9	11/26/2007	(631284)
10	12/14/2007	(631285)
11	02/19/2008	(677288)
12	01/14/2008	(677289)
13	03/19/2008	(695961)
14	04/14/2008	(695962)
15	05/14/2008	(695963)
16	10/13/2008	(704963)
17	06/20/2008	(717568)
18	07/14/2008	(717569)
19	08/20/2008	(717570)
20	09/15/2008	(717571)
21	09/30/2008	(732895)
22	11/21/2008	(732896)
23	12/05/2008	(732897)
24	03/25/2009	(738755)
25	02/19/2009	(756123)
26	01/20/2009	(756124)
27	08/31/2009	(767324)
28	03/19/2009	(773103)
29	04/10/2009	(773104)
30	05/15/2009	(773105)
31	11/04/2009	(777215)
32	12/22/2009	(786305)
33	04/16/2010	(794319)
34	03/10/2010	(794734)
35	03/10/2010	(794905)
36	04/09/2010	(797462)
37	05/14/2010	(801948)
38	02/22/2010	(819489)
39	07/16/2009	(819490)
40	08/17/2009	(819491)
41	09/22/2009	(819492)
42	10/09/2009	(819493)
43	11/16/2009	(819494)
44	12/14/2009	(819495)
45	01/13/2010	(819496)
46	03/11/2010	(836075)
47	04/16/2010	(836076)
48	06/01/2010	(845377)
49	06/14/2010	(847868)
50	06/30/2010	(862276)

51	08/20/2010	(868886)
52	11/12/2010	(871852)
53	09/20/2010	(875745)
54	10/20/2010	(883315)
55	12/15/2010	(898088)
56	01/21/2011	(903987)
57	02/24/2011	(910867)
58	03/23/2011	(918134)
59	03/24/2011	(918135)
60	04/25/2011	(930459)
61	11/16/2009	(930460)
62	05/23/2011	(939844)
63	06/17/2011	(947254)
64	07/27/2011	(954515)
65	08/12/2011	(961098)
66	09/22/2011	(967183)
67	10/17/2011	(973152)
68	11/16/2011	(979290)
69	02/08/2012	(983662)
70	12/27/2011	(986120)
71	03/01/2012	(988045)
72	01/19/2012	(992484)

E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date:	05/31/2007 (605716)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2007 (605717)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	09/30/2007 (631283)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	03/31/2008 (695962)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	04/30/2008 (695963)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	05/31/2008 (717568)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date:	06/30/2008 (717569)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)	

30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the limit for one or more permit parameter

Date 08/01/2008 (594053) CN600636617

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)  
30 TAC Chapter 317 317.7(i)

Description: Failure to provide an annual check certification on the reduced pressure backflow assembly (RPBA) on the public water supply line located at the wastewater treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(5)  
WQ0011557003 PERMIT

Description: Failure to maintain adequate safeguards to prevent the discharge of untreated or inadequately treated wastes during electrical power failures.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011557003 PERMIT

Description: Failure to meet the chlorine residual limit at the time of the investigation.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011557003 PERMIT

Description: Failure to meet the daily average flow permit limit based upon a twelve month record review of DMR data.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011557003 PERMIT

Description: Failure to meet permit effluent limits for TSS and ammonia nitrogen based upon a twelve month record review of DMR data.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)  
WQ0011557003 PERMIT

Description: Failure to record the required monitoring activities for field measurements such as dissolved oxygen, pH, total chlorine residual and flow.

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011557003 PERMIT

Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limitation by more than 40%.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
WQ0011557003 PERMIT

Description: Failure to demonstrate adequate quality assurance/quality control for the analysis of dissolved oxygen.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(b)(1)  
30 TAC Chapter 317 317.6(b)(1)(A)  
30 TAC Chapter 317 317.6(b)(1)(B)  
30 TAC Chapter 317 317.6(b)(1)(C)  
30 TAC Chapter 317 317.6(b)(1)(D)  
30 TAC Chapter 317 317.6(b)(1)(E)  
30 TAC Chapter 317 317.6(b)(1)(F)  
30 TAC Chapter 317 317.6(b)(1)(G)  
WQ0011557003 PERMIT

Description: Failure to provide an adequate and operable chlorine pump.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
WQ0011557003 PERMIT

Description: Failure to properly collect composite samples.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
WQ0011557003 PERMIT

Description: Failure to provide an NIST certified thermometer in the sample storage refrigerator.

Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2009 (773104)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2009 (773105)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2009 (819490)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2009 (819491)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2009 (819492)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2009 (819493)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	10/31/2009 (819494)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2009 (819496)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/06/2010 (783986)	CN600636617	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Operational Requirements PERMIT		
Description:	Failure to properly maintain the sewer collection system.		
Date	01/31/2010 (819489)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2010 (845377)	CN600636617	
Self Report?	YES	Classification:	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a)		
	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/14/2010 (801948)	CN600636617	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
	Definitions and Permit Conditions PERMIT		

Description:	Failure to provide written noncompliance notification to the TCEQ.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)(5) Monitoring and Reporting Requirements PERMIT	
Description:	Failure to properly maintain records for the pH and D.O. meter calibrations.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(a) Monitoring and Reporting Requirements PERMIT	
Description:	Failure to provide an annual certification of the NIST traceable thermometer.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Monitoring PERMIT	
Description:	Failure to maintain the effluent permit limits for ammonia nitrogen.	
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations and Requirements PERMIT	
Description:	Failure to maintain the effluent permit limits for residual chlorine.	
Self Report?	NO	Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Permit Conditions PERMIT	
Description:	Failure to properly report an unauthorized discharge of wastewater within 24 hours.	
Date	09/30/2010 (883315)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	03/31/2011 (930459)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	05/31/2011 (947254)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	06/30/2011 (954515)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	07/31/2011 (961098)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	11/30/2011 (986120)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	12/31/2011 (992484)	CN600636617
Self Report?	YES	Classification: Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)	
Description:	Failure to meet the limit for one or more permit parameter	
Date	02/08/2012 (983662)	CN600636617
Self Report?	NO	Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Standard Permit Conditions PERMIT	
Description:	Failure to properly collect composite samples.	

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Operational Requirements PERMIT		
Description:	Failure to properly maintain lift stations.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT		
Description:	Failure to maintain permit limits for TSS.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) Effluent Limitations PERMIT		
Description:	Failure to maintain permit limits for chlorine residual.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF RANGER  
RN103118923**

**§        BEFORE THE  
§  
§        TEXAS COMMISSION ON  
§  
§        ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2012-0573-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Ranger ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located on the northeast corner of Garrett Street and Lackland Avenue, approximately 2,500 feet north-northwest of the intersection of United States Highway 80 and Farm-to-Market Road 571 in Ranger, Eastland County, Texas (the "Facility").
2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Executive Director and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about March 4, 2012.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Nine Thousand Nine Hundred Seventy Dollars (\$9,970) is assessed by the Commission in settlement of the violations alleged in

Section II ("Allegations"). The Respondent has paid Seven Thousand Nine Hundred Seventy-Six Dollars (\$7,976) of the administrative penalty and One Thousand Nine Hundred Ninety-Four Dollars (\$1,994) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## **II. ALLEGATIONS**

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with permitted effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011557003, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on February 16, 2012 and shown in the table below:

<b>EFFLUENT VIOLATION TABLE</b>			
<b>Months</b>	<b>Chlorine Residual</b>	<b>Chlorine Residual</b>	<b>Total Suspended Solids Daily Average Concentration</b>
	<b>Minimum Limit = 1.0 mg/L</b>	<b>Maximum Limit = 4.0 mg/L</b>	<b>Limit = 15 mg/L</b>
<b>March 2011</b>	<b>c</b>	<b>c</b>	<b>17.6</b>
<b>May 2011</b>	<b>0.95</b>	<b>c</b>	<b>c</b>
<b>June 2011</b>	<b>0.44</b>	<b>c</b>	<b>c</b>
<b>July 2011</b>	<b>0.31</b>	<b>c</b>	<b>c</b>
<b>November 2011</b>	<b>c</b>	<b>4.87</b>	<b>c</b>
<b>December 2011</b>	<b>c</b>	<b>4.89</b>	<b>c</b>

mg/L = milligrams per liter

c = compliant

### III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Ranger, Docket No. 2012-0573-MWD-E" to:

Financial Administration Division, Revenues Section  
Attention: Cashier's Office, MC 214  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

2. It is further ordered that, within 90 days after the effective date of this Agreed Order, the Respondent shall submit written certification of compliance with the permitted effluent limits of TPDES Permit No. WQ0011557003, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limits. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with this Ordering Provision. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

Order Compliance Team  
Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a

written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission", "owner", "person", "writing", and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

8/23/12  
\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

  
\_\_\_\_\_  
Signature

April 30, 2012  
\_\_\_\_\_  
Date

Troy Emery  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Ranger

Mayor, Pro-Tempore  
\_\_\_\_\_  
Title

**Instructions:** Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.